

REMARKS

Upon entry of this Response, claims 1, 15, 20, and 29 will be amended, and claims 2-4, 10, 13, 18, and 23 will be canceled. No new matter has been added. Support for the changes can be found, for example, in the specification as originally filed at paragraph [0027]. Reconsideration and further examination are respectfully requested in view of the following remarks.

Previously pending claim 13 was rejected under 35 USC 103 as being unpatentable over US Publication No. 2003/0040344 (“Shteyn”) and US Patent No. 6,531,845 (“Kerai”).

These references, taken alone or in combination fail to disclose or suggest at least the following three elements of the claims as amended (using the language of claim 1 as an example):

transferring power via a battery charging circuit “in a lid of [a] laptop computer system”;

“negotiating an amount of power to transfer from [the] laptop computer system ... to a first receiving device”; and

negotiating the amount of power “based at least in part on an application to be executed” (currently added).

Applicants respectfully suggest that none of the elements are obvious in view of the references. In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to arrive at the claimed invention. A broad conclusory statement regarding the obviousness of modifying a reference, standing alone, is not evidence.

According to the Office Action, it would have been obvious to transfer power via a battery charging circuit in a lid of a computer system:

in order to enable convenient recharging of the receiving devices
without the need for an add-on docking device.

(Office Action, bottom of page 2). Appellants respectfully disagree that such reasoning supports modification of Shteyn to produce the invention as claimed in claim 1. The teaching or suggestion to make the claimed combination must be found in the prior art, and not based on the Applicants' disclosure. The fact that references can potentially be modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. The absence of any motivation in the prior art to modify the references in the ways recited in the pending claims indicates that the Examiner has simply recognized a benefit provided by the present invention (*e.g.*, solving the problem described at the bottom of page 1 of the present application), and then used that benefit as a motivation to combine the references – the essence of impermissible hindsight reconstruction.

Because there is no teaching or suggestion to modify the references in this way, a *prima facie* case of obviousness has not been established. Applicants respectfully request reconsideration of the rejections.

Moreover, neither reference discloses or suggests negotiating an amount of power to be transferred nor that the amount is based on an application being executed. Applicants note that Kerai merely teaches that power may be denied to a peripheral when the battery charge of a laptop falls below a pre-determined threshold. Col. 4, lines 45 to 51.

Applicants' silence with respect to certain comments made in the Office Action (*e.g.*, associated with various dependent claims) is not an indication that the Applicants agree with those comments.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-0191.

Respectfully submitted,

August 17, 2007
Date

/Patrick J. Buckley/
Patrick J. Buckley
Registration No. 40,928
Buckley, Maschoff & Talwalkar LLC
50 Locust Avenue
New Canaan, CT 06840
(203) 972-0191